

REQUEST FOR RECONSIDERATION

Claims 20-24 remain active in this application.

The claimed invention is directed to a vaporization system comprising a vaporization promoting element and specific sesquiterpene alcohol compositions consisting essentially of sesquiterpene alcohols wherein the composition is of a purity having no odor above a detectable threshold. Applicants have discovered that at a purity in which impurities are not above a detectable odor, the claimed sesquiterpene alcohols provide efficacy as autonomic nerve regulating agents, suitable for vaporization.

The rejections of claims 20-22 and 24 under 35 U.S.C. § 102(b) over Surburg et al. U.S. 6,420,334 and of claim 23 under 35 U.S.C. § 103(a) in view of Zaunbrecker et al. U.S. 5,955,034 are respectfully traversed.

Applicants note that Surburg et al. was filed with the U.S. patent office on June 30, 2000 and issued as a patent on July 16, 2002. Thus, the earliest date that this reference would be available under 35 U.S.C. §102(e) would be June 30, 2000.

However, the claimed invention, claims priority as a divisional application of U.S. 09/972,887, filed on October 10, 2001, which claims priority as a continuation application of PCT JP01/00928 filed on February 9, 2001, which claims priority under 35 U.S.C. §119 to JP 2000-38260 filed on February 10, 2000. February 10, 2000 is before June 30, 2000.

In order to perfect applicants claim to priority, applicants enclose herewith a certified English language translation of JP 2000-38260. A certified copy of JP 2000-38260 was submitted to the International Bureau in PCT application No PCT/JP01/00928. In view of applicants' submission, applicants respectfully request the full benefit to priority to JP 2000-38260.

As applicants have claimed the benefit to priority of February 10, 2000, a date which is earlier in time than June 30, 2000 Surburg et al. is not available as a reference against the

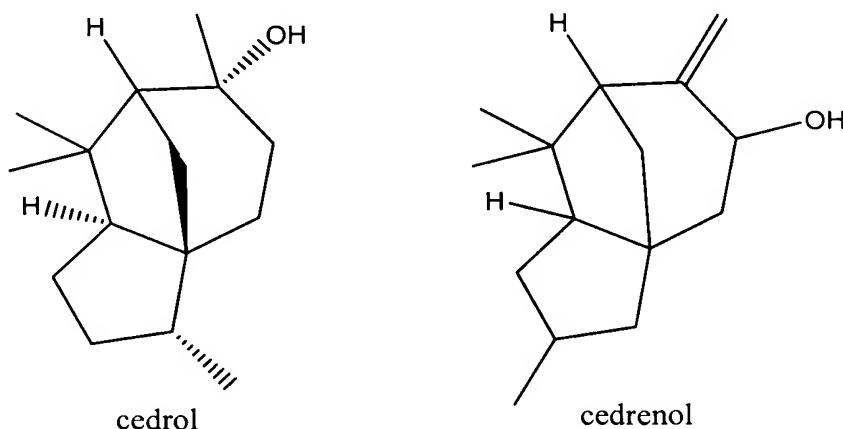
claimed invention and accordingly, withdrawal of the rejections under 35 U.S.C. §102(b) and 35 U.S.C. §103(a) is respectfully requested.

Not only is Surburg et al. unavailable as prior art against the claimed invention, but the reference fails to suggest a vaporization system comprising a composition consisting essentially of cedrol having a purity having no odor above a detectable threshold.

Surburg et al. has been cited for the disclosure at column 3, line 1 and column 6, lines 2 of compounds which are expected **by the examiner** has having no detectable odor (page 3 of official action).

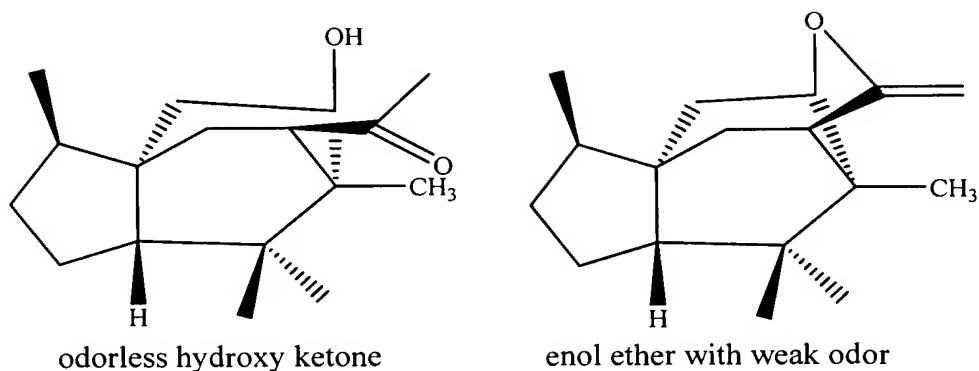
Contrary to the official action, there is no disclosure in Surburg et al. to suggest cedrol or cedrenol containing compositions having no odor above a detectable threshold.

The structures of cedrol and cedrenol are as follows:



These compounds bear a bridged bicycle [3,2,1] system and a single hydroxyl group.

Surburg et al. describes a hydroxyl ketone, which is derived from  $\alpha$ -cedrene and which is odorless in pure form and an enol ether thereof which has a weak odor which is reminiscent of the sesquiterpene hydrocarbon fraction of cedarwood oil (column 3, lines 1-4).



Neither the hydroxy ketone nor the enol ether are suggestive of the structures of either cedrol or cedrenol. To the contrary, each of the hydroxyl ketone and enol ether have a bridged bicycle [2,2,2] ring system and two oxygen atoms as compared with the single oxygen atom of cedrol and cedrenol. Accordingly, any description of the hydroxyl ketone having no odor in pure form is not suggestive of a composition containing cedrol or cedrenol having no odor above a detectable threshold. Accordingly neither the hydroxyl ketone nor the enol ether suggest the claimed vaporization system.

Further **cedrol** is sold by Alibaba.com as a **fragrance** having a gentle and lasting flavor peculiar to cedar. (see attached product sheet). As a fragrance, there is a high expectation that this product would **have an odor above a detectable threshold**.

Zaunbrecher et al. have been cited merely to describe the use of cedrol in an air freshener candle. However, the references cites to the use of cedrol as a **fragrance material** (column 3, lines 34-37) and would have a detectable odor, such that there is no suggestion of a cedrol containing composition which does not have an odor above a detectable threshold.

As the cited references fail to disclose or suggest a vaporization system in which a composition consists essentially of specific sesquiterpene alcohols, the composition being of sufficient purity so as to have no odor above a detectable threshold, the claimed invention is

neither anticipated nor rendered obvious over the cited references and accordingly,  
withdrawal of the rejections under 35 U.S.C §102(b) and 35 U.S.C. §103(a) is respectfully  
requested.

Applicants submit that this application is now in condition for allowance and early  
identification of such action is earnestly solicited.

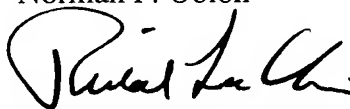
Respectfully submitted,

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